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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,702	01/05/2001	Violet Hanson	P-1015-27	3999

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EXAMINER

PASCUA, JES F

ART UNIT	PAPER NUMBER
3727	14

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/755,702	HANSON, VIOLET	
Examiner Jes F. Pascua	Art Unit 3727		

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 04 June 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 4, "said frontal faces" lack antecedence.

In claim 9, line 6, "the intersection of said frontal faces and said side faces" lacks antecedence.

In claim 9, lines 6-7, "the top of said transverse band" lacks antecedence.

In claim 9, line 7, "the triangle thus formed" lacks antecedence.

In claim 9, line 7, "the opposite side faces" lack antecedence.

In claim 9, lines 7-8, "the adjacent cut edges of said transverse band and said gussets" lack antecedence.

In claim 9, lines 9-10, "said side faces" lack antecedence.

In claim 9, line 10, "the frontal faces" lack antecedence.

In claim 9, lines 10-11, "the distendable gussets" lack antecedence.

In claim 9, lines 8-10, the recitation that the cut edges of the transverse band and gussets form a "rectangular bottom wall" is inconsistent with the recitation of "the gussets in each of said side faces distends laterally from the frontal faces".

***Claim Rejections - 35 USC § 103***

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forn Marsal (German Patent No. 25 26 961) in view of Clayton (German Patent No. 24 36 228) and Benoit.

Forn Marsal discloses, in Fig. 7., the claimed invention except for the bottom edge of the tubular sleeve being unitarily formed with a continuous band of transverse reinforcing ribs and sealing blocks. Clayton teaches that it is known in the art to provide a continuous band of rib and sealing blocks 14 transverse to the longitudinal axis of a bag-forming, tubular sleeve; which includes the bottom edge of the tubular sleeve. See Fig. 1. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the tubular sleeve of Forn Marsal with the ribs and sealing blocks of Clayton, in order to reinforce the bag.

Moreover, Forn Marsal discloses the invention, as discussed above. However, Forn Marsal does not show angular cuts extending downward and inward from the intersection of the frontal faces and side faces with the top of the transverse band. Benoit teaches that it is known in the art of gusseted bags to make angular cuts that extend downward and inward from the intersection of the frontal faces and side faces with the top of the transverse band. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the intersection of the frontal faces and side faces with the top of the transverse band of Forn Marsal with the angular cuts of Benoit, in order to provide a closed, flat bottom wall.

***Response to Arguments***

4. Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jes F. Pascua whose telephone number is 703-308-1153. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.



Jes F. Pascua  
Primary Examiner  
Art Unit 3727

JFP